

<b>TO: Mail Stop 8</b> <b>Director of the U.S. Patent &amp; Trademark Office</b> <b>P.O. Box 1450</b> <b>Alexandria, VA 22313-1450</b>	<b>REPORT ON THE</b> <b>FILING OR DETERMINATION OF AN</b> <b>ACTION REGARDING A PATENT OR</b> <b>TRADEMARK</b>
---	---

In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been  
 filed in the U.S. District Court Northern District of California on the following ☒ Patents or ☐ Trademarks:

DOCKET NO. <b>CV 12-00068 PSG</b>	DATE FILED <b>1/10/2012</b>	U.S. DISTRICT COURT <b>280 South First Street, San Jose, CA 95112</b>
PLAINTIFF <b>ROBERT BOSCH HEALTHCARE SYSTEMS, INC.</b>		DEFENDANT <b>EXPRESS MD SOLUTIONS, LLC</b>
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 <b>5,997,476</b>		SEE ATTACHED COMPLAINT
2 <b>6,334,778</b>		
3 <b>6,368,273</b>		
4 <b>6,968,375</b>		
5 <b>7,223,236</b>		

In the above—entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
1			
2			
3			
4			
5			

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT
--------------------

CLERK  Richard W. Wiekling	(BY) DEPUTY CLERK  Betty Walton	DATE  January 10, 2012
----------------------------------	---------------------------------------	------------------------------

Copy 1—Upon initiation of action, mail this copy to Commissioner    Copy 3—Upon termination of action, mail this copy to Commissioner  
 Copy 2—Upon filing document adding patent(s), mail this copy to Commissioner    Copy 4—Case file copy

e-FILED

ADR

ORIGINAL FILED

JAN 0 2017

Richard W. Venable  
Clerk, U.S. District Court  
Northern District of California  
San Jose

DORSEY & WHITNEY LLP  
Patricia A. Welch (#127889)  
Email: welch.patricia@dorsey.com  
305 Lytton Avenue  
Palo Alto, CA 94301  
Telephone: (650) 857-1717  
Facsimile: (650) 857-1288

Devan V. Padmanabhan (to be admitted *Pro Hac Vice*)  
Email: padmanabhan.devan@dorsey.com  
Paul J. Robbennolt (to be admitted *Pro Hac Vice*)  
Email: robbennolt.paul@dorsey.com  
50 South Sixth Street, Suite 1500  
Minneapolis, MN 55402-1498  
Telephone: (612) 340-2600  
Facsimile: (612) 340-8856

Attorneys for Plaintiff  
Robert Bosch Healthcare Systems,  
Inc.

UNITED STATES DISTRICT COURT  
THE NORTHERN DISTRICT OF CALIFORNIA

PSG

CV 12-00068

Robert Bosch Healthcare Systems, Inc.

Plaintiff,

v.

Express MD Solutions LLC.

Defendant.

CASE NO.:

COMPLAINT

DEMAND FOR JURY TRIAL

Plaintiff Robert Bosch Healthcare Systems, Inc. ("Bosch"), for its Complaint against Defendant Express MD Solutions LLC ("ExpressMD"), states and alleges as follows:

PARTIES

1. Bosch is a Michigan corporation with its principal place of business at 2400 Geng Road, Suite 200, Palo Alto, California, 94303.

2. ExpressMD is, on information and belief, a Delaware corporation with its principal place

1 of business at 300 Connell Drive, Suite 5100, Berkely Heights, New Jersey, 07922.

2 **JURISDICTION AND VENUE**

3 3. This is an action for patent infringement arising under the patent laws of the United States,  
4 Title 35 of the United States Code. This Court has subject matter jurisdiction over this action pursuant to  
5 28 U.S.C. §§ 1331 and 1338(a). Venue in this district is proper pursuant to 28 U.S.C. §§ 1391(b) and  
6 1400(b).

7 **INTRADISTRICT ASSIGNMENT**

8 4. This action arises in the County of Santa Clara, because a substantial part of the events or  
9 omissions which give rise to the claim occurred in that county, in that Bosch's principal place of business  
10 is in Santa Clara County.

11 **FACTUAL BACKGROUND**

12 **The Patents-in-Suit**

13 5. On December 7, 1999, the United States Patent Office awarded to Stephen J. Brown U.S.  
14 Patent No. 5,997,476 ("the '476 Patent"), entitled "Networked System for Interactive Communication and  
15 Remote Monitoring of Individuals," directed to a remote health monitoring system. A true and correct  
16 copy of the '476 Patent is attached hereto as Exhibit A.

17 6. On January 1, 2002, the United States Patent Office awarded to Stephen J. Brown U.S.  
18 Patent No. 6,334,778 B1 ("the '778 Patent"), entitled "Remote Psychological Diagnosis and Monitoring  
19 System," directed to a system for remote assessment of a patient's psychological condition. A true and  
20 correct copy of the '778 Patent is attached hereto as Exhibit B.

21 7. On April 9, 2002, the United States Patent Office awarded to Stephen J. Brown U.S. Patent  
22 No. 6,368,273 B1 ("the '273 Patent"), entitled "Networked System for Interactive Communication and  
23 Remote Monitoring of Individuals," directed to a remote health monitoring system. A true and correct  
24 copy of the '273 Patent is attached hereto as Exhibit C.

25 8. On November 22, 2005, the United States Patent Office awarded to Stephen J. Brown U.S.  
26 Patent No. 6,968,375 B1 ("the '375 Patent"), entitled "Networked System for Interactive Communication  
27 and Remote Monitoring of Individuals," directed to a remote health monitoring system. A true and  
28 correct copy of the '375 Patent is attached hereto as Exhibit D.

9. On May 29, 2007, the United States Patent Office awarded to Stephen J. Brown U.S. Patent No. 7,223,236 B2 (“the ‘236 Patent”), entitled “System and Method for Monitoring User-Related Data From a Person,” directed to a remote physiological data monitoring system. A true and correct copy of the ‘236 Patent is attached hereto as Exhibit E.

10. Bosch is the owner by assignment of each of the Patents-in-Suit.

## ExpressMD's Infringing System

11. On information and belief, ExpressMD makes, sells, offers for sale, and/or uses in the United States a remote health monitoring system it calls the “ExpressMD Electronic House Call.”

12. The ExpressMD Electronic House Call meets all of the limitations of one or more of the claims of the Patents-in-Suit. The ExpressMD Electronic House Call therefore infringes the Patents-in-Suit.

13. The ExpressMD Electronic House Call collects patient vital signs using wired and wireless peripherals, such as scales, blood pressure monitors, glucose meters, pulse oximeters, and CPAP.

14. The ExpressMD Electronic House Call communicates with web service via cellular, phone line, or Ethernet.

15. The ExpressMD Electronic House Call provides questions for the patient to answer to assist the care provider in evaluating the patient's condition.

16. The care provider can remotely customize the session questions provided to the patient by the ExpressMD Electronic House Call.

17. The ExpressMD Electronic House Call is capable of providing medication reminders to patients and permits care providers to remotely customize such medication reminders.

18. The ExpressMD Electronic House Call is capable of providing to the patient video disease management education.

19. The ExpressMD Web Application allows care providers to manage their patients' care plans in real time.

## ExpressMD's Knowledge of the Patents-in-Suit

20. Bosch has informed ExpressMD of the Patents-in-Suit and ExpressMD's infringement of those patents.

21. ExpressMD's infringement of the Patents-in-Suit is willful and deliberate.

**COUNT I—INFRINGEMENT OF THE '476 PATENT**

22. Bosch reasserts and incorporates herein by reference the allegations set forth in paragraphs 1-21 as though fully set forth herein.

23. ExpressMD has infringed one or more claims of the '476 Patent, either literally or under the doctrine of equivalents, by making, selling, offering to sell, and/or operating its remote health monitoring system in the United States.

24. ExpressMD's infringement of the '476 Patent has been willful and deliberate and will continue unless enjoined by the Court.

25. Bosch has been damaged by ExpressMD's infringing activities and will be injured irreparably unless such activities are enjoined by this Court.

**COUNT II—INFRINGEMENT OF THE '778 PATENT**

26. Bosch reasserts and incorporates herein by reference the allegations set forth in paragraphs 1-25 as though fully set forth herein.

27. ExpressMD has infringed one or more claims of the '778 Patent, either literally or under the doctrine of equivalents, by making, selling, offering to sell, and/or operating its remote health monitoring system in the United States.

28. ExpressMD's infringement of the '778 Patent has been willful and deliberate and will continue unless enjoined by the Court.

29. Bosch has been damaged by ExpressMD's infringing activities and will be injured irreparably unless such activities are enjoined by this Court.

**COUNT III—INFRINGEMENT OF THE '273 PATENT**

30. Bosch reasserts and incorporates herein by reference the allegations set forth in paragraphs 1-29 as though fully set forth herein.

31. ExpressMD has infringed one or more claims of the '273 Patent, either literally or under the doctrine of equivalents, by making, selling, offering to sell, and/or operating its remote health monitoring system in the United States.

1           32.     ExpressMD's infringement of the '273 Patent has been willful and deliberate and will  
2 continue unless enjoined by the Court.

3           33.     Bosch has been damaged by ExpressMD's infringing activities and will be injured  
4 irreparably unless such activities are enjoined by this Court.

5                   **COUNT IV—INFRINGEMENT OF THE '375 PATENT**

6           34.     Bosch reasserts and incorporates herein by reference the allegations set forth in paragraphs  
7 1-33 as though fully set forth herein.

8           35.     ExpressMD has infringed one or more claims of the '375 Patent, either literally or under  
9 the doctrine of equivalents, by making, selling, offering to sell, and/or operating its remote health  
10 monitoring system in the United States.

11           36.     ExpressMD's infringement of the '375 Patent has been willful and deliberate and will  
12 continue unless enjoined by the Court.

13           37.     Bosch has been damaged by ExpressMD's infringing activities and will be injured  
14 irreparably unless such activities are enjoined by this Court.

15                   **COUNT V—INFRINGEMENT OF THE '236 PATENT**

16           38.     Bosch reasserts and incorporates herein by reference the allegations set forth in paragraphs  
17 1-37 as though fully set forth herein.

18           39.     ExpressMD has infringed one or more claims of the '236 Patent, either literally or under  
19 the doctrine of equivalents, by making, selling, offering to sell, and/or operating its remote health  
20 monitoring system in the United States.

21           40.     ExpressMD's infringement of the '236 Patent has been willful and deliberate and will  
22 continue unless enjoined by the Court.

23           41.     Bosch has been damaged by ExpressMD's infringing activities and will be injured  
24 irreparably unless such activities are enjoined by this Court.

25     \\

26     \\

27     \\

28     \\

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28


a. Enjoining permanently ExpressMD Solutions LLC from making, using, selling, or offering to sell its infringing system in the United States;

c. Awarding Bosch treble patent infringement damages, attorneys' fees, costs and expenses in this action pursuant to 35 U.S.C. §§ 284 and 285 because ExpressMD's infringing activities have been willful and deliberate and this is an exceptional case;

e. Awarding such other relief as is deemed just and equitable.

Plaintiff hereby demands a trial by jury with respect to all counts.

DORSEY & WHITNEY LLP

By:   
PATRICIA A. WELCH  
Attorneys for Plaintiff Robert Bosch Healthcare  
Systems, Inc.